

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF OREGON

MARK R. JOHNSON,
Plaintiff,

v.

MICHAEL J. ASTRUE,¹
COMMISSIONER SOCIAL
SECURITY ADMINISTRATION,
Defendant.

No. CV 06-372-HU
OPINION & ORDER

MOSMAN, J.,

On February 1, 2007, Magistrate Judge Hubel issued Findings and Recommendation ("F&R") (#16) in the above-captioned case recommending the Commissioner's decision finding Mr. Johnson not disabled be affirmed. Mr. Johnson filed objections.

The magistrate judge makes only recommendations to the court, to which any party may file written objections. The district court is not bound by the recommendations of the magistrate judge, but retains responsibility for making the final determination. Where objections have been

¹On February 12, 2007, Michael J. Astrue became the Commissioner of Social Security. He is substituted as the defendant in this action pursuant to Fed. R. Civ. P. 25(d)(1) and 20 U.S.C. section 405(g).

made, I conduct a *de novo* review. 28 U.S.C. § 636(b)(1)(C). However, I am not required to review, under a *de novo* or any other standard, the factual or legal conclusions of the magistrate judge to which no objections are made. *See Thomas v. Arn*, 474 U.S. 140, 149 (1985); *United States v. Reyna-Tapia*, 328 F.3d 1114, 1121 (9th Cir. 2003).

After reviewing the F&R, Mr. Johnson's objections, and other relevant materials, I agree with Judge Hubel's recommendation, and I ADOPT the F&R as my own opinion.

IT IS SO ORDERED.

DATED this 25th day of April, 2007.

/s/ Michael W. Mosman
MICHAEL W. MOSMAN
United States District Judge